

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

MATILDE GATTONI,  
Plaintiff,

- against -

GATEHOUSE MEDIA, LLC  
Defendant.

Docket No. \_\_\_\_\_

JURY TRIAL DEMANDED

**COMPLAINT**

Plaintiff Matilde Gattoni (“Gattoni” or Plaintiff”) by and through her undersigned counsel, as and for their Complaint against Defendant Gatehouse Media, LLC (“GHM” or “Defendant”) hereby alleges as follows:

**NATURE OF THE ACTION**

1. This is an action for copyright infringement under Section 501 of the Copyright Act. This action arises out of Defendant’s unauthorized reproduction and public display of a copyrighted photograph of a villager in Fuvemeh, Ghana, owned and registered by Gattoni, a Milan based award-winning photojournalist. Accordingly, Gattoni seeks monetary relief under the Copyright Act of the United States, as amended, 17 U.S.C. § 101 *et seq.*

**JURISDICTION AND VENUE**

2. This claim arises under the Copyright Act, 17 U.S.C. § 101 *et seq.*, and this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

3. This Court has personal jurisdiction over Defendant because Defendant resides in and/or are transacting business in New York.

4. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b).

## **PARTIES**

5. Gattoni is an award winning French and Italian photojournalist. Gattoni's work covers social, environmental and human rights issues all around the world. Gattoni founded the agency Tandem Reportages with the aim to produce independent, in-depth stories on relevant contemporary issues such as mass exploitation of natural resources and the relationship between mankind and the environment. Her work has been exhibited at the European Parliament in Brussels, The Backlight Festival in Tampere, The Annenberg Space for Photography in Los Angeles. She has won numerous awards including the Black and White Spider Awards, the International Colors Awards, The Pilser Urqel International Awards and many more. Gattoni has a place of business at Via Botticelli 22 Milan, Italy 20133.

6. Upon information and belief, GHM is a limited liability corporation duly organized and existing under the laws of the State of New York, with a place of business at 175 Sully's Trail, #3, Pittsford, New York 14534. At all times material, hereto, GHM has owned and operated the two websites at the URL(s): [www.newschief.com](http://www.newschief.com) and [www.theledger.com](http://www.theledger.com) (the "Websites").

## **STATEMENT OF FACTS**

### **A. Background and Plaintiff's Ownership of the Photograph**

7. On October 21, 2016, Gattoni photographed a villager in Ghana (the "Photograph"). A true and correct copy of the Photograph is attached hereto as Exhibit A.

8. Gattoni is the author of the Photograph and has at all times been the sole owner of all right, title and interest in and to the Photograph, including the copyright thereto.

9. The Photograph was registered with US Copyright Office and was given Copyright Registration Number VA 2-022-336.

**B. Defendant's Infringing Activities**

14. Upon information and belief, on or about October 22, 2016, GHM ran an article on the Websites entitled "*West Africa is being swallowed by the sea*". See <http://www.newschief.com/news/20161022/west-africa-is-being-swallowed-by-sea> and <http://www.theledger.com/news/20161022/west-africa-is-being-swallowed-by-sea>. The articles prominently featured the Photograph. A true and correct copy of screen shots of the articles are attached hereto as Exhibit B.

15. GHM did not license the Photograph from Plaintiff for its article, nor did GHM have Plaintiff's permission or consent to publish the Photograph on its Websites.

**CLAIM FOR RELIEF**  
**(COPYRIGHT INFRINGEMENT AGAINST GHM)**  
**(17 U.S.C. §§ 106, 501)**

16. Plaintiff incorporates by reference each and every allegation contained in Paragraphs 1-15 above.

17. GHM infringed Plaintiff's copyright in the Photograph by reproducing and publicly displaying the Photograph on its Website. GHM is not, and has never been, licensed or otherwise authorized to reproduce, publically display, distribute and/or use the Photograph.

18. The acts of Defendant complained of herein constitute infringement of Plaintiff's copyright and exclusive rights under copyright in violation of Sections 106 and 501 of the Copyright Act, 17 U.S.C. §§ 106 and 501.

19. Upon information and belief, the foregoing acts of infringement by GHM have been willful, intentional, and purposeful, in disregard of and indifference to Plaintiff's rights.

20. As a direct and proximate cause of the infringement by the Defendant of Plaintiff's copyright and exclusive rights under copyright, Plaintiff is entitled to damages and Defendant's profits pursuant to 17 U.S.C. § 504(b) for the infringement.

21. Alternatively, Plaintiff is entitled to statutory damages up to \$150,000 per work infringed for Defendant's willful infringement of the Photograph, pursuant to 17 U.S.C. § 504(c).

22. Plaintiffs further are entitled to their attorney's fees and full costs pursuant to 17 U.S.C. § 505.

23. Defendant's conduct, described above, is causing, and unless enjoined and restrained by this Court, will continue to cause Plaintiff irreparable injury that cannot be fully compensated by or measured in money damages. Plaintiff has no adequate remedy at law.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully request judgment as follows:

1. That Defendant GHM be adjudged to have infringed upon Plaintiff's copyright in the Photograph in violation of 17 U.S.C §§ 106 and 501;
2. Plaintiffs be awarded either: a) Plaintiff's actual damages and Defendant's profits, gains or advantages of any kind attributable to Defendant's infringement of Plaintiff's Photograph; or b) alternatively, statutory damages of up to \$150,000 per copyrighted work infringed pursuant to 17 U.S.C. § 504;
3. That Defendant be required to account for all profits, income, receipts, or other benefits derived by Defendant as a result of its unlawful conduct;
4. That Plaintiffs be awarded their costs, expenses and attorneys' fees pursuant to 17 U.S.C. § 505;
5. That Plaintiffs be awarded pre-judgment interest; and

6. Such other and further relief as the Court may deem just and proper.

**DEMAND FOR JURY TRIAL**

Plaintiffs hereby demand a trial by jury on all issues so triable in accordance with Federal Rule of Civil Procedure 38(b).

Dated: Valley Stream, New York  
January 3, 2017

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